

556. BOI has never maintained an audio record that verifies authorization of a change made on April 24, 2002, of Mr. Michaelis's preferred interLATA/toll provider to BOI.
557. BOI, through USBI and SBC, billed Mr. Michaelis for interLATA/toll service provided by BOI between April 24 and May 1, 2002.
558. In April 2002, neither Mr. Michaelis nor Mrs. Michaelis authorized BOI to switch Mr. Michaelis's preferred intraLATA/toll provider to BOI.
559. In April 2002, neither Mr. Michaelis nor Mrs. Michaelis verified, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that Mr. Michaelis wished to switch his preferred intraLATA/toll provider to BOI.
560. Sometime on or before April 24, 2002, BOI submitted a request to Qwest to change Mr. Michaelis's preferred intraLATA/toll provider to BOI.
561. On April 24, 2002, Qwest submitted a change request to SBC to change Mr. Michaelis's preferred intraLATA/toll provider to BOI.
562. On April 24, 2002, SBC changed Mr. Michaelis's preferred intraLATA/toll provider to BOI.
563. Before BOI submitted its April 2002 request to Qwest to change Mr. Michaelis's preferred intraLATA/toll provider to BOI, BOI did not obtain his or Mrs. Michaelis's written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.

564. Before BOI submitted its April 2002 request to Qwest to change Mr. Michaelis's preferred intraLATA/toll provider to BOI, BOI did not obtain his or Mrs. Michaelis's electronic authorization to do so.
565. Before BOI submitted April 2002 request to Qwest to change Mr. Michaelis's preferred intraLATA/toll provider to BOI, BOI did not obtain his or Mrs. Michaelis's oral authorization to do so from an appropriately qualified independent third party.
566. With respect to the April 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit the identity of the subscriber.
567. With respect to the April 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit confirmation that the person on the call was authorized to make the carrier change.
568. With respect to the April 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit confirmation that the person on the call wanted to make the carrier change.
569. With respect to the April 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit the names of the carriers affected by the change.

570. With respect to the April 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit the telephone number to be switched.
571. With respect to the April 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit the type of service involved.
572. With respect to the April 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred intraLATA/toll provider, an appropriately qualified independent third party did not record the verification in its entirety.
573. BOI does not possess an audio record that verifies authorization of a change made on April 24, 2002, of Mr. Michaelis's preferred intraLATA/toll provider to BOI.
574. BOI has never maintained an audio record that verifies authorization of a change made on April 24, 2002, of Mr. Michaelis's preferred intraLATA/toll provider to BOI.
575. BOI, through USBI and SBC, billed Mr. Michaelis for intraLATA/toll service provided by BOI between April 24 and May 1, 2002.
576. Between May 1 and 6, 2002, no one from BOI contacted Mr. Michaelis regarding a change in his inter/LATA toll or intra/LATA toll provider to BOI.
577. Between May 1 and 6, 2002, no one from BOI contacted Mrs. Michaelis regarding a change in Mr. Michaelis's inter/LATA toll or intra/LATA toll provider to BOI.

578. Between May 1 and 6, 2002, Mr. Michaelis's local exchange telephone service provider was SBC.
579. Between May 1 and 6, 2002, Mr. Michaelis's interLATA/toll and intraLATA/toll provider was not BOI.
580. Between May 1 and 6, 2002, Mr. Michaelis did not authorize BOI to switch his preferred interLATA/toll provider to BOI.
581. Between May 1 and 6, 2002, Mr. Michaelis did not verify, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that he wished to switch his preferred interLATA/toll provider to BOI.
582. Between May 1 and 6, 2002, Mrs. Michaelis did not authorize BOI to switch Mr. Michaelis's preferred interLATA/toll provider to BOI.
583. Between May 1 and 6, 2002, Mrs. Michaelis did not verify, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that she wished to switch Mr. Michaelis's preferred interLATA/toll provider to BOI.
584. Sometime between May 1 and 6, 2002, BOI submitted a request to Qwest to change Mr. Michaelis's preferred interLATA/toll provider to BOI.
585. On May 6, 2002, Qwest submitted a change request to SBC to change Mr. Michaelis's preferred interLATA/toll provider to BOI.
586. On May 6, 2002, SBC changed Mr. Michaelis's preferred interLATA/toll provider to BOI.

587. Before BOI submitted its May 2002 request to Qwest to change Mr. Michaelis's preferred interLATA/toll provider to BOI,⁷ BOI did not obtain his or Mrs. Michaelis's written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.
588. Before BOI submitted its May 2002 request to Qwest to change Mr. Michaelis's preferred interLATA/toll provider to BOI, BOI did not obtain his or Mrs. Michaelis's electronic authorization to do so.
589. Before BOI submitted its May 2002 request to Qwest to change Mr. Michaelis's preferred interLATA/toll provider to BOI, BOI did not obtain his or Mrs. Michaelis's oral authorization to do so from an appropriately qualified independent third party.
590. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the identity of the subscriber.
591. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit confirmation that the person on the call was authorized to make the carrier change.
592. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred interLATA/toll provider, an appropriately qualified

⁷ For this request and requests numbered 588 through 596 and requests numbered 607 through 616, it shall be understood that BOI's May 2002 change request was made sometime between May 1 and 6, 2002.

independent third party did not elicit confirmation that the person on the call wanted to make the carrier change.

- 593. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the names of the carriers affected by the change.
- 594. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the telephone number to be switched.
- 595. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the type of service involved.
- 596. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred interLATA/toll provider, an appropriately qualified independent third party did not record the verification in its entirety.
- 597. BOI does not possess an audio record that verifies authorization of a change made on May 6, 2002, of Mr. Michaelis's preferred interLATA/toll provider to BOI.
- 598. BOI has never maintained an audio record that verifies authorization of a change made on May 6, 2002, of Mr. Michaelis's preferred interLATA/toll provider to BOI.
- 599. BOI, through USBI and SBC, billed Mr. Michaelis for interLATA/toll service provided by BOI between May 6 and 15, 2002.

600. Between May 1 and 6, 2002, Mr. Michaelis did not authorize BOI to switch his preferred intraLATA/toll provider to BOI.
601. Between May 1 and 6, 2002, Mr. Michaelis did not verify, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that he wished to switch his preferred intraLATA/toll provider to BOI.
602. Between May 1 and 6, 2002, Mrs. Michaelis did not authorize BOI to switch Mr. Michaelis's preferred intraLATA/toll provider to BOI.
603. Between May 1 and 6, 2002, Mrs. Michaelis did not verify, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that she wished to switch Mr. Michaelis's preferred intraLATA/toll provider to BOI.
604. Sometime between May 1 and 6, 2002, BOI submitted a request to Qwest to change Mr. Michaelis's preferred intraLATA/toll provider to BOI.
605. On May 6, 2002, Qwest submitted a change request to SBC to change Mr. Michaelis's preferred intraLATA/toll provider to BOI.
606. On May 6, 2002, SBC changed Mr. Michaelis's preferred intraLATA/toll provider to BOI.
607. Before BOI submitted its May 2002 request to Qwest to change Mr. Michaelis's preferred intraLATA/toll provider to BOI, BOI did not obtain his or Mrs. Michaelis's written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.
608. Before BOI submitted its May 2002 request to Qwest to change Mr. Michaelis's preferred intraLATA/toll provider to BOI, BOI did not obtain his or Mrs. Michaelis's electronic authorization to do so.

609. Before BOI submitted its May 2002 request to Qwest to change Mr. Michaelis's preferred intraLATA/toll provider to BOI, BOI did not obtain his or Mrs. Michaelis's oral authorization to do so from an appropriately qualified independent third party.
610. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit the identity of the subscriber.
611. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit confirmation that the person on the call was authorized to make the carrier change.
612. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit confirmation that the person on the call wanted to make the carrier change.
613. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit the names of the carriers affected by the change.
614. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit the telephone number to be switched.

615. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit the type of service involved.
616. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred intraLATA/toll provider, an appropriately qualified independent third party did not record the verification in its entirety.
617. BOI does not possess an audio record that verifies authorization of a change made on May 6, 2002, of Mr. Michaelis's preferred intraLATA/toll provider to BOI.
618. BOI has never maintained an audio record that verifies authorization of a change made on May 6, 2002, of Mr. Michaelis's preferred intraLATA/toll provider to BOI.
619. BOI, through USBI and SBC, billed Mr. Michaelis for intraLATA/toll service provided by BOI between May 6 and 15, 2002.

Beatrice Violette Slamming

620. On February 20, 2002, a BOI employee called telephone number 207-564-2478 ("February 20 BOI Call").
621. The purpose of the February 20 BOI Call was to seek authorization for a change in that number's subscriber's preferred interLATA/toll and intraLATA/toll provider.
622. During the February 20 BOI Call, a BOI employee spoke with Beatrice Violette ("Ms. Violette").

623. In February 2002, Ms. Violette's local exchange telephone service provider was Verizon.
624. Immediately prior to February 25, 2002, Ms. Violette's preferred interLATA/toll provider was not BOI.
625. Immediately prior to February 25, 2002, Ms. Violette's preferred intraLATA/toll provider was Verizon.
626. In February 2002, Ms. Violette did not authorize BOI to switch her preferred interLATA/toll provider to BOI.
627. In February 2002, Ms. Violette did not verify, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that she wished to switch her preferred interLATA/toll provider to BOI.
628. Sometime on or before February 25, 2002, BOI submitted a request to Qwest to change Ms. Violette's preferred interLATA/toll provider to BOI.
629. On February 25, 2002, Qwest submitted a change request to Verizon to change Ms. Violette's preferred interLATA/toll provider to BOI.
630. On February 25, 2002, Verizon changed Ms. Violette's preferred interLATA/toll provider to BOI.
631. Before BOI submitted its February 2002 request to Qwest to change Ms. Violette's preferred interLATA/toll provider to BOI,⁸ BOI did not obtain her written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.

⁸ For this request and requests numbered 632 through 637 and requests numbered 646 through 652, it shall be understood that BOI's change request was made on or at most several days before February 25, 2002.

632. Before BOI submitted its February 2002 request to Qwest to change Ms. Violette's preferred interLATA/toll provider to BOI, BOI did not obtain her electronic authorization.
633. Before BOI submitted its February 2002 request to Qwest to change Ms. Violette's preferred interLATA/toll provider to BOI, BOI used Great Lakes Verification Company as its third party verifier.
634. With respect to the February 2002 request submitted by BOI to Qwest to change Ms. Violette's preferred interLATA/toll provider, the document attached hereto as Attachment E is a complete and accurate transcription of the February 20, 2002, conversation between a representative from Great Lakes Verification Company and Ms. Violette.
635. With respect to the February 2002 request submitted by BOI to Qwest to change Ms. Violette's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit confirmation that the person on the call wanted to make the carrier change.
636. With respect to the February 2002 request submitted by BOI to Qwest to change Ms. Violette's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the names of the carriers affected by the change.
637. With respect to the February 2002 request submitted by BOI to Qwest to change Ms. Violette's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the telephone number to be switched.

638. BOI does not possess an audio record that verifies authorization of a change made on February 25, 2002, of Ms. Violette's preferred interLATA/toll provider to BOI.
639. BOI has never maintained an audio record that verifies authorization of a change made on February 25, 2002, of Ms. Violette's preferred interLATA/toll provider to BOI.
640. BOI, through USBI and Verizon, billed Ms. Violette for interLATA/toll service provided by BOI between February 25 and April 12, 2002.
641. In February 2002, Ms. Violette did not authorize BOI to switch her preferred intraLATA/toll provider to BOI.
642. In February 2002, Ms. Violette did not verify, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that she wished to switch her preferred intraLATA/toll provider to BOI.
643. Sometime on or before February 25, 2002, BOI submitted a request to Qwest to change Mr. Violette's preferred intraLATA/toll provider to BOI.
644. On February 25, 2002, Qwest submitted a change request to Verizon to change Ms. Violette's preferred intraLATA/toll provider to BOI.
645. On February 25, 2002, Verizon changed Ms. Violette's preferred intraLATA/toll provider to BOI.
646. Before BOI submitted its February 2002 request to Qwest to change Ms. Violette's preferred intraLATA/toll provider to BOI, BOI did not obtain her written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.

647. Before BOI submitted its February 2002 request to Qwest to change Ms. Violette's preferred intraLATA/toll provider to BOI, BOI did not obtain her electronic authorization to do so.
648. Before BOI submitted its February 2002 request to Qwest to change Ms. Violette's preferred intraLATA/toll provider to BOI, BOI used Great Lakes Verification Company as its third party verifier.
649. With respect to the February 2002 request submitted by BOI to Qwest to change Ms. Violette's preferred intraLATA/toll provider, the document attached hereto as Attachment E is a complete and accurate transcription of the February 20, 2002, conversation between a representative from Great Lakes Verification Company and Ms. Violette.
650. With respect to the February 2002 request submitted by BOI to Qwest to change Ms. Violette's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit confirmation that the person on the call wanted to make the carrier change.
651. With respect to the February 2002 request submitted by BOI to Qwest to change Ms. Violette's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit the names of the carriers affected by the change.
652. With respect to the February 2002 request submitted by BOI to Qwest to change Ms. Violette's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit the telephone number to be switched.

653. BOI does not possess an audio record that verifies authorization of a change made on February 25, 2002, of Ms. Violette's preferred intraLATA/toll provider to BOI.
654. BOI has never maintained an audio record that verifies authorization of a change made on February 25, 2002, of Ms. Violette's preferred intraLATA/toll provider to BOI.
655. BOI, through USBI and Verizon, billed Ms. Violette for intraLATA/toll service provided by BOI between February 25 and April 12, 2002.
656. Between April 12 and 22, 2002, no one from BOI contacted Ms. Violette regarding a change in her inter/LATA toll and intra/LATA toll provider to BOI.
657. Between April 12 and 22, 2002, Ms. Violette's local exchange telephone service provider was Verizon.
658. Between April 12 and 22, 2002, BOI was not Ms. Violette's interLATA/toll or intraLATA/toll provider.
659. Between April 12 and 22, 2002, Ms. Violette did not authorize BOI to switch her preferred interLATA/toll provider to BOI.
660. Between April 12 and 22, 2002, Ms. Violette did not verify, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that she wished to switch her preferred interLATA/toll provider to BOI.
661. Sometime between April 12 and 22, 2002, BOI submitted a request to Qwest to change Ms. Violette's preferred interLATA/toll provider to BOI.

662. On April 22, 2002, Qwest submitted a change request to Verizon to change Ms. Violette's preferred interLATA/toll provider to BOI.
663. On April 22, 2002, Verizon changed Ms. Violette's preferred interLATA/toll provider to BOI.
664. Before BOI submitted its April 2002 request to Qwest to change Ms. Violette's preferred interLATA/toll provider to BOI,⁹ BOI did not obtain her written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.
665. Before BOI submitted its April 2002 request to Qwest to change Ms. Violette's preferred interLATA/toll provider to BOI, BOI did not obtain her electronic authorization.
666. Before BOI submitted its April 2002 request to Qwest to change Ms. Violette's preferred interLATA/toll provider to BOI, BOI did not obtain her oral authorization from an appropriately qualified independent third party.
667. With respect to the April 2002 request submitted by BOI to Qwest to change Ms. Violette's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the identity of the subscriber.
668. With respect to the April 2002 request submitted by BOI to Qwest to change Ms. Violette's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit confirmation that the person on the call was authorized to make the carrier change.

⁹ For this request and requests numbered 665 through 673 and requests numbered 682 through 691, it shall be understood that BOI's April 2002 change request was made sometime between April 12 and 22, 2002.

669. With respect to the April 2002 request submitted by BOI to Qwest to change Ms. Violette's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit confirmation that the person on the call wanted to make the carrier change.
670. With respect to the April 2002 request submitted by BOI to Qwest to change Ms. Violette's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the names of the carriers affected by the change.
671. With respect to the April 2002 request submitted by BOI to Qwest to change Ms. Violette's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the telephone number to be switched.
672. With respect to the April 2002 request submitted by BOI to Qwest to change Ms. Violette's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the type of service involved.
673. With respect to the April 2002 request submitted by BOI to Qwest to change Ms. Violette's preferred interLATA/toll provider, an appropriately qualified independent third party did not record the verification in its entirety.
674. BOI does not possess an audio record that verifies authorization of a change made on April 22, 2002, of Ms. Violette's preferred interLATA/toll provider to BOI.
675. BOI has never maintained an audio record that verifies authorization of a change made on April 22, 2002, of Ms. Violette's preferred interLATA/toll provider to BOI.

676. BOI, through USBI and Verizon, billed Ms. Violette for interLATA/toll service provided by BOI between April 22 and May 14, 2002.
677. Between April 12 and 22, 2002, Ms. Violette did not authorize BOI to switch her preferred intraLATA/toll provider to BOI.
678. Between April 12 and 22, 2002, Ms. Violette did not verify, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that she wished to switch her preferred intraLATA/toll provider to BOI.
679. Sometime between April 12 and 22, 2002, BOI submitted a request to Qwest to change Ms. Violette's preferred intraLATA/toll provider to BOI.
680. On April 22, 2002, Qwest submitted a change request to Verizon to change Ms. Violette's preferred intraLATA/toll provider to BOI.
681. On April 22, 2002, Verizon changed Ms. Violette's preferred intraLATA/toll provider to BOI.
682. Before BOI submitted its April 2002 request to Qwest to change Ms. Violette's preferred intraLATA/toll provider to BOI, BOI did not obtain her written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.
683. Before BOI submitted its April 2002 request to Qwest to change Ms. Violette's preferred intraLATA/toll provider to BOI, BOI did not obtain her electronic authorization to do so.
684. Before BOI submitted its April 2002 request to Qwest to change Ms. Violette's preferred intraLATA/toll provider to BOI, BOI did not obtain her

oral authorization to do so from an appropriately qualified independent third party.

685. With respect to the April 2002 request submitted by BOI to Qwest to change Ms. Violette's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit the identity of the subscriber.
686. With respect to the April 2002 request submitted by BOI to Qwest to change Ms. Violette's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit confirmation that the person on the call was authorized to make the carrier change.
687. With respect to the April 2002 request submitted by BOI to Qwest to change Ms. Violette's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit confirmation that the person on the call wanted to make the carrier change.
688. With respect to the April 2002 request submitted by BOI to Qwest to change Ms. Violette's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit the names of the carriers affected by the change.
689. With respect to the April 2002 request submitted by BOI to Qwest to change Ms. Violette's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit the telephone number to be switched.
690. With respect to the April 2002 request submitted by BOI to Qwest to change Ms. Violette's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit the type of service involved.

691. With respect to the April 2002 request submitted by BOI to Qwest to change Ms. Violette's preferred intraLATA/toll provider, an appropriately qualified independent third party did not record the verification in its entirety.
692. BOI does not possess an audio record that verifies authorization of a change made on April 22, 2002, of Ms. Violette's preferred intraLATA/toll provider to BOI.
693. BOI has never maintained an audio record that verifies authorization of a change made on April 22, 2002, of Ms. Violette's preferred intraLATA/toll provider to BOI.
694. BOI, through USBI and Verizon, billed Ms. Violette for intraLATA/toll service provided by BOI between April 22 and May 14, 2002

Vermont Discontinuance Allegations

695. On June 13, 2002, the Vermont Department of Public Service ("Vermont DPS") filed a Petition with the Vermont Public Service Board ("Vermont PSB") requesting an investigation into the business practices of BOI.
696. On August 28, 2002, the Vermont PSB issued a Preliminary Injunction ordering BOI to: (1) cease all marketing to Vermont consumers until the Vermont PSB approved BOI's tariff; (2) suspend all disconnection activities for Vermont customers; (3) suspend all billing and collection activities for all current or past customers; and (4) cooperate with the Vermont Department in any plans for the migration of existing BOI customers to other carriers.

697. On September 12, 2002, William Brzycki signed a stipulation on behalf of BOI with the Vermont DPS entitled Final Stipulation for Resolution of All Outstanding Matters (“Vermont Stipulation”)
698. On September 18, 2002, Sarah Hoffman signed the Vermont Stipulation on behalf of the Vermont DPS.
699. The Vermont Stipulation resolved the Vermont DPS investigation of BOI initiated on June 13, 2002.
700. Attachment F is a true and correct copy of the Vermont Stipulation.
701. By the Vermont Stipulation, BOI agreed to initiate the procedure required by 47 C.F.R. § 63.71 for terminating service to customers in Vermont served by BOI.
702. By the Vermont Stipulation, BOI agreed to provide a letter to each of its Vermont customers informing each such customer that BOI was discontinuing its provision of long distance service in Vermont.
703. The Vermont Stipulation included a copy of the form of the letter that BOI agreed to send to each of its Vermont customers informing that it was discontinuing the provision of long distance service in Vermont (“Illustrative Sample Discontinuance of Service Letter”).
704. Attachment G is a true and correct copy of the “Illustrative Sample Discontinuance of Service Letter” attached to the Vermont Stipulation.
705. On September 24, 2002, the Vermont Stipulation was filed with the Vermont PSB.

706. Attachment H is a true and correct copy of a Proposal for Decision and Board Order (“Proposed Order”) of the Vermont PSB, which was signed by Hearing Officer Greg C. Faber on October 31, 2002.
707. The Vermont PSB adopted the Proposed Order on November 7, 2002, with the exception of finding number five (“Board Order”).
708. In the Board Order, the Vermont PSB found that BOI had engaged in deceptive business practices in the marketing of its services to Vermont consumers.
709. The Vermont PSB found in the Board Order that BOI had engaged in the unauthorized change of consumers’ telecommunications carriers.
710. The Vermont PSB found in the Board Order that BOI marketers had misrepresented themselves and that the purpose of their sales contacts was to induce Vermont consumers to switch their primary interstate or intrastate service providers to BOI.
711. The Vermont PSB noted in the Board Order at p. 6 that BOI “will be following the federal procedure, set forth in 47 C.F.R. § 63.71, for the process of terminating service to” its Vermont customers.
712. Attachment I is a true and correct copy of a letter dated November 19, 2002, from and sent by Sarah Hoffman, State of Vermont DPS to William Brzycki of BOI (“November 19 Letter”).
713. BOI Management received the November 19 Letter on or before December 3, 2002.

714. BOI Management reviewed the November 19 Letter on or before December 3, 2002.
715. The November 19 Letter reminded BOI that BOI was required to follow the procedures outlined in 47 C.F.R. § 63.71.
716. The November 19 Letter also reminded BOI that it should have initiated, on November 7, 2002, the procedures outlined by 47 C.F.R. § 63.71.
717. The November 19 Letter also reminded BOI that its Vermont customers had 15 days from the date they received BOI's notice sent pursuant to 47 C.F.R. § 63.71 to file objections with the Federal Communications Commission ("Commission").
718. BOI Management discussed with Vermont DPS staff what needed to be included in the notice BOI was to send to its Vermont customers that BOI was discontinuing service to them.
719. Attachment J is a true and accurate copy of BOI's Section 63.71 Application ("Application") dated December 20, 2002.
720. BOI filed its Application with the Commission on December 27, 2002.
721. BOI Management reviewed the Application before it was sent to the Commission.
722. BOI Management approved the Application before it was sent to the Commission.
723. In the Application, BOI sought authorization pursuant to 47 C.F.R. § 63.71 to allow it to discontinue providing long distance service in Vermont.

724. BOI made a willful material omission in its Application in connection with its reasons for withdrawing service in Vermont because the Application failed to mention the Vermont DPS investigation, the Vermont Stipulation and the Board Order.
725. The BOI employee(s) who drafted the Application knew that it failed to mention the Vermont DPS investigation, the Vermont Stipulation and the Board Order.
726. When she signed the Application, Lisa Green knew that Application failed to mention the Vermont DPS investigation, the Vermont Stipulation and the Board Order.
727. In its Application, BOI does not discuss, mention or even allude to the Vermont DPS investigation, the Vermont Stipulation, or the Board Order.
728. When BOI sent the Application to the Commission, BOI Management knew that the Application failed to mention the Vermont DPS investigation, the Vermont Stipulation and the Board Order.
729. By not mentioning the Vermont DPS investigation, the Vermont Stipulation and the Board Order in the Application, BOI Management intended to conceal from the Commission the Vermont DPS investigation, the Vermont Stipulation and the Board Order.
730. BOI's statement in paragraph 8 of its Application – that it had already sent a customer notice letter informing its Vermont BOI customers of its intent to discontinue long distance service in Vermont because it “did not know of the FCC requirements to send the letter out pursuant to 63.71.” – was untrue.

731. The BOI employee who drafted the assertion quoted in request 730 knew that the assertion was untrue when the assertion was drafted.
732. When she signed the Application, Lisa Green knew that the assertion quoted in request 764 was untrue.
733. When BOI sent the Application to the Commission, BOI Management knew that the assertion quoted in request 764 was untrue.
734. BOI's statement in paragraph 8 of its Application – "our letter has all the information requested by the state of Vermont." – was untrue.
735. The BOI employee who drafted the assertion quoted in request 734 knew that the assertion was untrue when the assertion was drafted.
736. When she signed the Application, Lisa Green knew that the assertion quoted in request 734 was untrue.
737. When BOI sent the Application to the Commission, BOI Management knew that the assertion quoted in request 734 was untrue.
738. BOI's statement in paragraph 9 of its Application – "it has given its customers 15 days from the day they received our notification letter to choose another long distance provider and our request for discontinuance." – was untrue.
739. The BOI employee who drafted the assertion quoted in request 738 knew that the assertion was untrue at the time it was drafted.
740. When she signed the Application, Lisa Green knew that the assertion quoted in request 738 was untrue.
741. When BOI sent the Application to the Commission, BOI Management knew that the assertion quoted in request 738 was untrue.

742. Attachment K is a true and correct copy of a form letter ("Form Letter") sent by BOI to its Vermont long distance customers notifying them that, effective December 21, 2002, BOI was disconnecting its Vermont customers from long distance service.

743. BOI attached a copy of the Form Letter to its Application.

744. In the Form Letter, BOI did not include the statement, required by 47 C.F.R. § 63.71(a)(5), that:

The FCC will normally authorize this proposed discontinuance of service (or reduction or impairment) unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to Federal Communications Commission, Washington, D.C. 20554, referencing the § 63.71 Application of (carrier's name). Comments should include specific information about the impact of this proposed discontinuance (or reduction or impairment) upon you or your company, including any inability to acquire reasonable substitute service.

745. BOI did not include the statement required by 47 C.F.R. § 63.71(a)(5) in any letter that it sent to any of its Vermont customers notifying each of them it was discontinuing service in Vermont.

746. BOI never informed any of its Vermont customers that each of them had 15 days to find a new long distance carrier.

747. BOI never informed any of its Vermont customers that each of them had 15 days to protest its request to discontinue long distance service in Vermont.